

1 DOLORES Y. LEAL (134176)
2 OLIVIA FLECHSIG (334880)
3 ALLRED, MAROKO & GOLDBERG
4 6300 Wilshire Blvd. Suite 1500
5 Los Angeles, CA 90048-5217
6 (323) 653-6530
ddeal@amglaw.com
oflechsig@amglaw.com

8 | Attorneys for Plaintiff MARK SNOOKAL

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

DECLARATION OF OLIVIA FLECHSIG

I, Olivia Flehsig, declare as follows:

1. I am an attorney licensed to practice law in California. I am an associate with the law firm Allred, Maroko & Goldberg, counsel of record for Plaintiff Mark Snookal (“Plaintiff”) in the above-captioned matter. I have personal knowledge of the facts set forth below and, if called as a witness, I could and would testify competently to such facts under oath.

2. I make this declaration in support of Plaintiff Mark Snookal's *Ex Parte* Application for Leave to Supplement Opposition to Defendant's Motion for Summary Judgment, Leave for Plaintiff to Take Further Discovery, and Leave to File Motion Seeking Discovery Sanctions against Defendant Chevron U.S.A. Inc. ("Chevron" or "Defendant").

3. On November 30, 2023, Chevron served its Initial Disclosures pursuant to FRCP Rule 26. Nowhere in their initial disclosures did they reference Dr. Stephen Frangos.

4. On May 7, 2024, I caused to be served Plaintiff's First Set of Interrogatories (containing Interrogatories Nos. 1-17) and Plaintiff's First Set of Requests for Production of Documents (containing Requests for Production Nos. 1-22). A true and correct copy of relevant excerpts of those Interrogatories, and proof of service of same, are attached hereto as Exhibit 1. A true and correct copy of relevant excerpts of those Requests for Production, and proof of service of same, are attached hereto as Exhibit 2.

5. On July 12, 2024, I caused to be served Plaintiff's Second Set of Interrogatories (containing Interrogatories Nos. 18-25) and Plaintiff's Second Set of Requests for Production of Documents (containing Requests for Production Nos. 23-40). A true and correct copy of relevant excerpts of those Requests for Production, and proofs of service of same, are attached hereto as Exhibit 3.

1 6. Dr. Stephen Frangos is not named anywhere in Chevron’s discovery
2 responses.

3 7. On July 11, 2024, I caused five deposition notices to be electronically
4 served upon counsel for Chevron. One such notice was for the deposition Dr.
5 Eshiofe Asekomeh. A true and correct copy of this deposition notice for Dr.
6 Asekomeh is attached hereto as Exhibit 4.

7 8. Even after several follow up emails to Chevron’s counsel, Chevron’s
8 counsel did not provide any availability for Dr. Asekomeh until September 3,
9 2024. Then, on September 5, 2024, they advised over the phone that Dr. Asekomeh
10 would be “off rotation” until October 1, 2024, so his deposition could not go
11 forward until October. Attached hereto as Exhibit 5 are true and correct copies of
12 my and Dolores Y. Leal’s email correspondence with counsel for Chevron
13 attempting to obtain Dr. Asekomeh’s availability for a deposition.

14 9. On October 10, 2024 at 6:52 am Pacific Time, Defendant produced
15 documents bates stamped CUSA000768-775. Attached hereto as Exhibit 6 is a true
16 and correct copy of the documents produced at CUSA000768-775, including email
17 threads involving August 5-7, 2019 email threads in which Dr. Asekomeh
18 communicates with others about whether Mr. Snookal should be deemed “unfit for
19 duty” in Escravos, Nigeria. Attached hereto as Exhibit 7 is a true and correct copy
20 of the timestamped email effecting service of same. This was eight minutes before
21 Dr. Eshiofe Asekomeh’s deposition was scheduled to begin at 7:00 am Pacific
22 Time.

23 10. Dolores Y. Leal, Esq., a partner at my law firm, took the deposition of
24 Dr. Asekomeh on October 10, 2024. A true and correct copy of relevant excerpts
25 from the certified transcript are attached hereto as Exhibit 8.

26 11. Nowhere in Dr. Asekomeh’s deposition did he name or apparently
27 refer to Dr. Frangos, despite questions regarding who weighed in on the decision to

1 deem Mr. Snookal “not fit for duty.”

2 12. Moreover, Robert Mussig, Esq., counsel for Defendant, represented
3 during Dr. Asekomeh’s deposition that “Dr. Asekomeh can testify to this. He—
4 during our prep session, he referenced [emails], and they took a little time to pull
5 them, but we go them and produced them this morning.” (See Exhibit 8 at p. 3-4,
6 Asekomeh Deposition Transcript at p. 11:15-12:6.) Dr. Asekomeh similarly
7 testified that his lawyers in the United States were able to allow access to the
8 emails, stating: “I was just able to open my e-mails yesterday while the team in the
9 U.S.—Rob [Mussig] and his group were able to get this to – from the back end.”
10 (See Exhibit 8 at p. 5-6, Asekomeh Deposition Transcript at p. 116:21-117:5.)

11 13. Parties stipulated through their respective counsel to a deadline of
12 October 17, 2024 for Plaintiff to provide his opposition and supporting materials
13 (including Exhibits, declarations, objections, etc.) to Defendant’s Motion for
14 Summary Judgment. Chevron’s deadline to file the integrated materials was
15 October 24, 2024.

16 14. On October 30, 2024 at 10:48 P.M. Pacific Time, Defendant produced
17 documents bates stamped CUSA000776-815. Attached hereto as Exhibit 9 is a true
18 and correct copy of the documents produced at CUSA000776-815 and the proof of
19 service for same. This document production consists of four medical studies
20 regarding thoracic aneurysms.

21 15. These documents were produced the night before the 8:00 A.M.
22 Pacific Time start time for Plaintiff to take the deposition of Dr. Ujomoti
23 Akintunde, one of the people Defendant disclosed as an expert witness. During Dr.
24 Akintunde’s deposition the next morning, Sarah Fan, counsel for Chevron, then
25 used two of these articles as exhibits during Dr. Akintunde’s deposition.

26 16. On November 8, 2024, Defendant Chevron U.S.A. Inc. (“Chevron” or
27 Defendants”) produced documents bates stamped CUSA000816-948. A true and

1 correct copy of CUSA000816-948 is attached hereto as Exhibit 10, along with a
2 proof of service of same.

3 17. On or about November 11, 2024, I navigated to Dr. Stephen Frangos'
4 public LinkedIn page to collect a screenshot. A true and correct copy of said
5 screenshot is attached hereto as Exhibit 11.

6 18. On Wednesday, November 20, 2024, I provided the requisite notice
7 pursuant to Local Rule 7-19.1 and the Court's Standing Order Section XIII to
8 counsel for Defendant by advising them, both orally and via email of the date and
9 substance of the *ex parte* application. At or about 1:05 pm on November 19, 2024,
10 I left a voicemail for Sarah Fan, counsel of record for Defendant Chevron
11 regarding the date and substance of this *ex parte* application. I then sent an email to
12 Defendant's counsel of record advising of the date and substance of the *ex parte*
13 application and advising that counsel would have 24-hours from the time of our
14 filing to file an opposition. Attached hereto as Exhibit 12 is a true and correct copy
15 of my email to counsel for Defendant's advising them of same.

16 19. At or around 2:54 pm on November 20, 2024, Ms. Fan called me back
17 to further discuss the substance of the motion. Ms. Fan proposed trying to try to
18 stipulate to further discovery relating to Dr. Frangos. However, I advised that we
19 cannot merely stipulate given the discovery issues we have since encountered so far,
20 and given that the court ordered deadline for fact discovery has closed. Absent a
21 court order, moreover, we will not be able to file a motion to compel discovery if
22 Chevron continues to fail to produce documents for which we have asked. In
23 addition, I noted that our first round of pretrial filings are due in less than a month.
24 Therefore, we cannot continue to wait on Chevron to trickle in documents at their
25 leisure without court intervention.

26 20. Ms. Fan advised that Chevron does plan to file an opposition to
27 Plaintiff's *Ex Parte* Application.

1 I declare under penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct, and that this Declaration was executed on
3 November 20, 2024, at Los Angeles, California.

4 
5 _____
6 Olivia Flechsig

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 6300 Wilshire Boulevard, Suite 1500, Los Angeles, California 90048.

On November 20, 2024 I served the foregoing document described as
**DECLARATION OF OLIVIA FLECHSIG IN SUPPORT OF PLAINTIFF
MARK SNOOKAL'S *EX PARTE* APPLICATION FOR LEAVE TO
SUPPLEMENT OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, LEAVE FOR PLAINTIFF TO TAKE FURTHER
DISCOVERY, AND LEAVE TO FILE MOTION SEEKING DISCOVERY
SANCTIONS AGAINST DEFENDANT** on interested parties in this action:

Attorneys for Defendant Chevron USA, Inc.

Tracey A. Kennedy, Esq.

Robert E. Mussig, Esq.

H. Sarah Fan, Esq.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

333 South Hope Street, 43rd Floor

Los Angeles, CA 90071-1422

(213) 620-1780

e-mail: tkennedy@sheppardmullin.com

e-mail: rmussig@sheppardmullin.com

email: sfan@sheppardmullin.com

BY ELECTRONIC SERVICE: Pursuant to the Parties' agreement to accept service electronically, I caused such document to be electronically served via email to the email addresses of the addressee(s).

Executed on **November 20, 2024** at Los Angeles, California.

Federal I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

JOSIE PEÑA